REMARKS

Claims 47-59, 61, and 64-75 are pending in the application.

Claim Rejections Under 35 U.S.C. § 102

The Examiner asserted that claims 47-59 and 64-75 are anticipated by Zhou et al. (US 2003/0044118 A1) under 35 U.S.C. § 102(b). Applicants respectfully disagree, at least for the following reasons.

On July 16, 2008, Applicants filed a petition for an unintentionally delayed claim of priority to prior-filed U.S. Provisional Patent Application Serial No. 60/454,806, along with an amendment to the specification as required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5). A substitute amendment and request for reconsideration were filed on September 9, 2008, to remove language from the originally filed amendment improperly incorporating by reference the prior-filed application. On September 11, 2008, the USPTO issued a corrected filing receipt for the present application stating that "This appln claims benefit of 60/454,806 03/14/2003," and on September 12, 2008, the Office of Petitions issued a Decision Granting Petition Under 37 CFR 1.78(a)(6). Applicants respectfully submit that all requirements for the present application to be entitled to the benefit of the prior-filed provisional application have now been met, and the present application has a domestic priority date of March 14, 2003.

In view of this, the Zhou reference cited by the Examiner in the present Office Action no longer qualifies as prior art against the present application under section (b) of 35 U.S.C. 102, which formed the basis for the rejection of claims 47-59 and 64-75. Section (b) of 35 U.S.C. 102 reads as follows:

> A person shall be entitled to a patent unless -
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, **more than one year prior** to the date of application for patent in the United States. (Emphasis added)

As noted above, the domestic priority date of the present application is now March 14, 2003. The date of publication of the Zhou reference is March 6, 2003. Since more than one year did not lapse between the publication date of the Zhou reference and the earliest filing date of the present application, the Zhou reference is not prior art under 35 U.S.C. 102(b).

Nor is the Zhou reference prior art under any other section of 35 U.S.C. 102. Section (a) of 35 U.S.C. 102 reads as follows:

> A person shall be entitled to a patent unless -
> (a) the invention was known or used **by others** in this country, or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for a patent. (Emphasis added)

And section (e) of 35 U.S.C 102 reads as follows:

> A person shall be entitled to a patent unless -
> (e) the invention was described in - (1) an application for patent, published under section 122(b), **by another** filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent **by another** filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language. (Emphasis added)

Applicants point out that the inventive entity of the present application, Yan Zhou of Pleasanton, CA and Seng-Tieng Ho of Wheeling, IL, is the *same* as that of the Zhou reference. Hence, the Zhou reference is not "by another" or "by others" and thus does not qualify as prior art against the present application under §102(a) or §102(e).

In summary, in view of the recently granted petition to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of priority to U.S. Patent Application Serial No. 60/454,806, as well as the absence of any difference between the inventive entities of the present application and the Zhou reference, the latter cannot be applied as prior art against the present application under any section of 35 U.S.C. 102. Applicants therefore respectfully request that the Examiner withdraw the rejection of the claims under 35 U.S.C. §102(b) over US 2003/0044118 A1.

Claim Objection

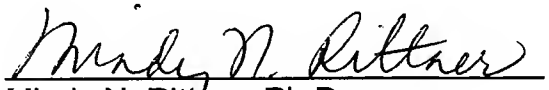
The Examiner objected to claim 61 as being dependent on a rejected base claim. Applicants gratefully acknowledge the finding of the Examiner that claim 61 contains allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

However, given the removal of the Zhou reference as prior art against the present application, as discussed above, Applicants submit that claim 61 is no longer dependent on a rejected base claim. The Examiner is therefore respectfully requested to withdrawn the objection to claim 61.

Conclusion

There being no remaining rejections or objections against the present application, Applicants submit that this Response places the claims in condition for allowance. The Examiner is invited to contact the undersigned agent for Applicants via telephone if such a discussion will expedite prosecution of this application.

Respectfully submitted,



Mindy N. Ritther, Ph.D.
Registration No. 57,803
Agent for Applicants

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200